

REMARKS:Status

After this response, claims 1, 4, 6 to 12, 15, and 17 to 22 are pending. Claims 1, 4, 6, 12, 17, and 17 have been amended. Claims 2, 3, 5, 13, 14, and 16 have been canceled. Claims 1 and 12 are the independent claims. Reconsideration and further examination are respectfully requested.

Claim Rejections

Claims 1 to 7, 9, 10, 12 to 18, 20, and 21 were rejected under 35 USC § 102(b) over U.S. Patent No. 4,913,428 (Nauman). Claims 1, 7, 9, 10, 12, 18, 20, and 21 also were rejected under § 102(b) over U.S. Patent No. 5,407,178 (Long). Claims 8 and 19 were rejected under § 103(a) over Long or Nauman in view of U.S. Patent No. 5,394,927 (Heubner). Claims 11 and 22 were rejected under § 103(a) over Long or Nauman.

Applicant has amended independent claim 1 to recite the elements of claim 5 and intervening claim 2. Likewise, Applicant has amended independent claim 12 to recite the elements of claim 16 and intervening claim 13.

As amended, each of independent claims 1 and 12 recite that “each prong of each stake is wider in one dimension than in another dimension so that the stake is more resistant to being pulled over in at least one direction than in at least one other direction” and that “each prong is curved in an arc across its wider dimension.”

This curved prong arrangement is very simple to manufacture while providing improved resistance to being pull over. Examples of the curved prong arrangement are shown as prongs 12 in Figure 2 and prongs 22 in Figure 3.

Nauman, which was cited against claims 6 and 13, does not appear to shown prongs, each of which “is curved in an arc across its wider dimension.” The prongs in Nauman are certainly curved, but not in this fashion. As noted above, this curved arrangement is significant because of its ease of manufacture and effectiveness.

The remaining applied art, none of which was applied against claims 6 and 13, is seen by Applicant to remedy this deficiency of Nauman.

In view of the foregoing, allowance of amended claims 1 and 12 and their dependent claims is respectfully requested.

No Admission

Applicant’s decision not to argue each of the dependent claims separately is not an admission that the subject matter of those claims is taught by the applied art.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner’s earliest convenience.

Applicant's undersigned attorney can be reached at (614) 205-3241. All correspondence should be directed to the address indicated below.

Respectfully submitted,

A handwritten signature in black ink that reads "Dane C. Butzer". The signature is fluid and cursive, with the first name "Dane" being the most prominent.

Dated: July 3, 2006 (Monday)

Dane C. Butzer
Reg. No. 43,521

Dane C. Butzer
870 High Street Ste. 104
Worthington, OH 43085